

**UNITED STATES DISTRICT COURT FOR  
DISTRICT OF NEW MEXICO**

Janine LaVigne, on behalf of herself and  
all others similarly situated,

Plaintiff,

-against-

First Community Bancshares, Inc.; First  
National Bank Texas; DOES 1-10 inclusive,

Defendants.

Civil Action No. 1:15-cv-00934-WJ-LF

**DEFENDANTS FIRST COMMUNITY BANCSHARES, INC. &  
FIRST NATIONAL BANK TEXAS'S ANSWER TO PLAINTIFF'S  
SECOND AMENDED COMPLAINT**

Defendants First Community Bancshares, Inc. and First National Bank Texas, in response to the allegations contained in Plaintiff's Second Amended Complaint, respectfully show this Court as follows:

**AFFIRMATIVE DEFENSES**

1. Defendants are not liable for any violation, if one occurred, because they acted in good faith on the information and consent provided to them.

**ANSWER**

2. As provided by Rule 8 of the Federal Rules of Civil Procedure, all allegations which are not expressly admitted herein are denied.

3. Defendants admit the factual allegations in Paragraph 5 that Defendant First Community Bancshares, Inc. is a Texas corporation located at 507 North Gray Street, Killeen, Texas 76541.

4. Defendants admit the factual allegations in Paragraph 6 that Defendant First National Bank is a Texas financial institution located at 507 North Gray Street, Killeen, Texas 76541.

5. Defendants admit the factual allegation in Paragraph 7 that the Court has subject-matter jurisdiction under 28 U.S.C. section 1331.

6. Defendants deny the factual allegations in Paragraphs 1, 10-23, 25-26, 29-35, 38-43, and 45-51.

7. Paragraphs 2-3, 9, 27-28, 36-37, and 44 and contain no factual allegations for Defendants to admit or deny. To the extent a response is required, Defendants deny the statements in Paragraphs 2-3, 9, 27-28, 36-37, and 44.

8. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraphs 4, 8, and 24.

**JURY TRIAL DEMANDED**

9. In accordance with Federal Rule of Civil Procedure 38, Defendants demand a trial by jury on all issues.

**Prayer**

10. Defendants First Community Bancshares, Inc. and First National Bank Texas pray this Court enter judgment against Plaintiff, Plaintiff take nothing by its claims against Defendants, and Defendants be awarded their taxable costs and all such other and future relief as the Court may deem just and proper.

Respectfully Submitted,

Greg Biehler  
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-And-

By: /s/ William S. Helfand  
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ATTORNEYS FOR DEFENDANTS

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing has been forwarded to all counsel of record automatically through the Court's electronic case filing system on this 27<sup>th</sup> day of June, 2016.

Stephen Taylor  
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/s/ William S. Helfand